



POLICY TITLE

**INTERIM POLICY ON PUBLIC ACCESS TO REPORTS
FROM EXTERNAL PARTIES**

**NO.
16-07-01**

Legislative Authority

the Environmental Protection Act
the Ontario Water Resources Act
the Environmental Assessment Act
the Pesticides Act

Statement of Principles

This policy provides for public access to reports, as defined, that the Ministry of the Environment receives pursuant to its environmental legislation.

The intent of the policy is to ensure access to externally provided reports in accord with the principles of freedom of information and protection of individual privacy, while at the same time respecting public access, confidentiality and privacy requirements of the Ministry's legislation.

The policy will apply until such time as Freedom of Information and Protection of Individual Privacy legislation is enacted.

Definitions

External Parties

External parties are considered to be any organization, company, agency or individual submitting a report pursuant to the Ministry's role in the management of emissions to the natural environment.

February 13, 1987

Point of Contact

Director, Policy and Planning Branch

Effective Date

February 6, 1987

Report:

A report is any document submitted directly to the Ministry by an external party which quantifies any contaminant or material deposited or emitted, or proposed to be deposited or emitted to the natural environment, or which describes measures to contain or control such contaminant or material.

Major Interest Reports:

Major interest reports are those which detail significant public health or environmental issues.

1. Policy Statement

The Ministry of the Environment will provide the public with access to reports submitted directly to the Ministry by external parties. Directors in receipt of reports are expected to exercise judgement and discretion in applying this policy.

2. External Report Preparations

External reports, other than prescribed forms, should be prepared to facilitate public access and the protection of confidentiality and personal privacy as follows:

2.1 Report Format

Ministry staff should request external parties submitting reports to prepare them in such a format that any information for which they may make a claim of confidentiality or privacy not be included in the body of the report but be provided as a separate appendix.

2.2 Certification of Confidentiality Claim

Parties making confidentiality or privacy claims shall be expected to specify in writing as part of the document:

- a) what information is to be kept confidential or private;
- b) the rationale for the claim;

- c) what legislation authorizes the claim; and
- d) what consequences would likely follow from access to the information.

3. Examination of Confidentiality Claims

- (a) The Director in receipt of an external report including a confidentiality or privacy claim is encouraged to consult with the Director of Legal Services Branch where, in his/her discretion, such consultation would be beneficial and shall consult with the Director of Legal Services Branch where the factors relating to the claim are complex or unclear.
- (b) If the claim is accepted either initially by the Director in receipt of the report or after the consultation referred to in (a) then no further action regarding the claim is necessary;
- (c) If the claim is rejected then the Director in receipt of the report is authorized to:
 - provide for public access to the portion of the report not in dispute;
 - advise the external party of the Director's intention to provide public access to any portion of the appendix for which a privilege claim has been denied unless within 30 days further valid argument can be made in support of the privilege claim;
- (d) If there is a difference of opinion between the Director in receipt of the report and the Director of Legal Services, then the Division Head is to be apprised of the issue to be resolved.

4. Ensuring of Public Access

4.1 Routine Reports

The Director will ensure public access to all routine reports, except to those portions of which the external party makes a valid claim pursuant to 3 above.

The document or copies of same will be available for public inspection at the relevant District or Branch Office.

4.2 Major Interest Reports

The Director will determine whether a report is of major interest.

Where a report is considered by the Director to be of major interest a Ministry notification will be prepared by the Communications Branch including:

- a) an announcement that the report has been received by the Ministry;
- b) an announcement describing where and when the report can be examined by the public; and
- c) future Ministry action regarding the report where appropriate.

The Communications Branch will plan appropriate communications activities and be responsible for the release of the MOE notification regarding external reports of major interest.